

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CHRISTOPHER MICHAEL GUISEPPE,

Plaintiff,

v.

WARDEN MCFADDEN, DEPUTY
WARDEN REED, JOHN DOES 1-10,

Defendants.

CIVIL ACTION NO. 17-4880

ORDER

AND NOW, this 12th day of March, 2018, the defendants, Warden McFadden, Deputy Warden Reed, and John Does 1-10, having filed a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6) seeking to have the court dismiss the complaint filed by the *pro se* plaintiff, Christopher Michael Guiseppe; and after considering the motion to dismiss (Doc. No. 11), the complaint (Doc. No. 6), and the plaintiff's response in opposition to the motion to dismiss (Doc. No. 14); and for the reasons set forth in the separately filed memorandum opinion, it is hereby **ORDERED** as follows:

1. The motion to dismiss the complaint (Doc. No. 11) is **GRANTED** and the complaint is **DISMISSED WITHOUT PREJUDICE**;

2. The plaintiff shall have a period of twenty-one (21) days from the date of this order to file an amended complaint which addresses the issues identified with the complaint as explained in the memorandum opinion; and

3. If the plaintiff fails to timely file an amended complaint in accordance with paragraph two of this order, the court may dismiss this action with prejudice for his failure to prosecute.

BY THE COURT:

/s/ *Edward G. Smith*
EDWARD G. SMITH, J.